

REMARKS

Claims 1-3, 5-38 and 39-60 are pending in this application. In the Office Action claims 1-3, 12, 16 and 38 under 35 U.S.C. § 102(e) were rejected as anticipated by U.S. Patent Publication No. 2002/0029973 ("Maydan"). The Office Action objected to claims 4-1, 13-15, 17-37 and 39-60 as being dependent from a rejected base claim, but indicated that the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In particular, the Office Action noted that the references of record do not show or suggest a plating cell with a diffusion membrane made of a material having a pore size of between about 1 and 200 μm .

The foregoing rejections are respectfully traversed, in part, for reasons including those set forth below and stated during a telephonic interview between Applicants' attorney and the Examiner on May 18, 2004. For example, Applicants' attorney pointed out the independently novel features recited in claims 12 and 16. Applicants' attorney reserves the rights to set forth additional arguments regarding the art cited in the Office Action and to submit evidence of prior inventorship by the Applicants.

However, in order to expedite the allowance of this application, claims 1 and 38 have been rewritten to recite a diffusion membrane made of a material having a pore size of between about 1 and 200 μm . Claims 4 and 39 have been canceled, without prejudice.

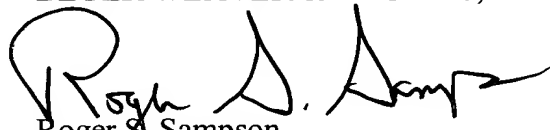
Claim 12 has been rewritten to include the recitations of original claim 3. As discussed in the May 18th interview, the anode compartment recited in claim 12 is a novel feature that is not taught, suggested or indicated by the art relied upon in the Office Action. Exemplary embodiments of anode compartment 201 are illustrated in Figs. 2A, 2B, 2C and 2D and are discussed, for example, on page 12, lines 14-19.

Claim 16 has been amended to recite that the diffuser membrane is tilted at a non-zero tilt angle with respect to a plane defining the surface of the electrolyte in the bath. Support for this amendment may be found, for example, at page 12, lines 1-15 and in claims 17 and 18 as filed. As discussed during the May 18th interview, this feature is not taught, suggested or indicated by the art relied upon in the Office Action.

REMARKS

Applicants' attorney believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP


Roger S. Sampson
Reg. No. 44,314

P.O. Box 778
Berkeley, CA 94704-0778
(510) 495 3201